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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/581,712      | 10/16/2000  | Guido Reeck          | P-00,1260           | 4663             |

21171 7590 07/30/2003

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EXAMINER

THOMPSON, GREGORY D

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2835

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/581,712

Applicant(s)

Reeck et al

Examiner

Gregory Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 17, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10-14, 16, and 17 is/are rejected.
- 7) ☒ Claim(s) 6 and 15 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 18
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Amendment to page 1, lines 28 and 29 not entered for lines do not match up.
2. Applicant's arguments filed 4/17/03 have been fully considered but they are not persuasive. The rejection of claims 1, 7, -8 under 35 U.S.C. 102(e) as being clearly anticipated by Kawakita is maintained since a water repellent filter is arranged in an air inlet with a cooling device coupled to inlet 12a providing cooling into the unit or housing 10 and the exhaust of hot air existing opening 11d. The control unit 20 would inherently contain electrical components, subassemblies or the like in use with automobile devices such as fuel injection systems, antilock brakes to provide control thereof. Applicant's argue that since the outer box 12 surrounds the inner box there is no problem with dust particles intruding into the inner box. However, the filter 16 allows cooling air (outside air) which would inherently contain some dust since the unit 10 is used in an engine compartment of an automobile and the Poreflon filter having very small pores. 1 to 10 microns in diameter would filter dust. The cooling device (not shown) does provide an airflow to the unit or housing 10 composed of (11, 12) to build up airflow through unit 10. Applicant's argue their invention is based on a single housing. However no language reflexes the use of a single housing and the open loop language of "comprising" is used. The unit 10 composed of 11 and 12 provides a housing. The inlet is 12a and separate outlet exist is 11d.

The rejection of claim 1-5, 7-8, 10-14, 16-17 under 35 U.S.C. 103(a) being unpatentable over Ghorbani et al in view of Kobayashi is maintained. Applicant's argue that the filter in Kobayashi does not filter dust. However, applicants point out in the remarks that the filter in Kobayashi is a filter that consists of multiple layers of filter materials, each providing different

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filter functionalities (water repellent, water absorbent and dust removal). Thus applicant must agree that this filter must also filter dust since the filter is referred to as an air cleaning filter which repels water. Clearly the water could have dust particles adhered to the water droplets thus filtering the water droplets and dust. The language of upstream or downstream appears to refer to filter layers attached together. For example in prior art Fig.3 layer 7 is located downstream from layer 6 but the layers are stacked together in Fig.3. Thus upstream in col.4, lines 59-65 appears to mean some other layers stacked on layer B or layer A upstream or on top of layer B and downstream or under layer A be a compose part of the overall filter to also filter dust. One skilled at the time the invention was made could obviously replace the filters 34 and 38 with one filter as taught by Kobayashi to filter dust and water from the air to provide a filter with less parts to provide particle free filtered air for excellent cooling and operation of the subassemblies to avoid operational breakdown in Ghorbani.

3 Claims 6,15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No art cited teach nor suggest a control device that controls the cooling device to reverse the air flow to free the dirt particles on the filter or claimed in claims 6 and 15. Keep a clean line between claims 18-19.

4 Claims 18-19 are allowed.

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No art cited teach or suggest the combination in claims 18-19 along with the air flow being reserved to clean the filter of dust particles as claimed.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Thompson whose telephone number is (703) 308-2249. The examiner can normally be reached on Mon-Thurs from 6:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg, can be reached on (703) 305-4215. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

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G THOMPSON /ac

07/28/03

A handwritten signature in cursive script, appearing to read "G. Thompson". The signature is written in black ink and is positioned below the printed name "G THOMPSON /ac".